

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN R. LEBESCH,

Plaintiff,

ORDER

v.

18-cv-367-wmc

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

On October 22, 2018, the court issued an order remanding this case to the commissioner for further proceedings under sentence four of 42 U.S.C. § 405(g) pursuant to joint stipulation of the parties. Judgment was entered on October 23, 2018. Now before the court is plaintiff's motion for an award of attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 in the amount of \$2,577.27 and expenses in the amount of \$0. (Dkt. #16.) Defendant has no objection. (Dkt. #23.)

ORDER

IT IS ORDERED that plaintiff's motion for an award of attorney fees and expenses under the Equal Access to Justice Act is GRANTED. Plaintiff is awarded fees and costs in the amount of \$2,577.27. These fees are awarded to plaintiff and not plaintiff's attorney and can be offset to satisfy pre-existing debts that the litigant owes the United States under *Astrue v. Ratliff*, 130 S.Ct. 2521, 177 L. Ed. 2d 91 (2010).

If counsel for the parties verify plaintiff owes no pre-existing debt subject to offset, the defendant shall direct that the award be made payable to plaintiff's attorney pursuant to the EAJA assignment duly signed by plaintiff and counsel.

If plaintiff owes a pre-existing debt subject to offset in an amount less than the EAJA award, the Social Security Administration will instruct the U.S. Department of Treasury that any check for the remainder after offset will be made payable to plaintiff and mailed to the business address of plaintiff's attorney.

Entered this 14th day of December, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge